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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Humanitarian Law Project, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

THE SITUATION IN SRI LANKA

1. International Educational Development notes Commission resolution 1987/61 of 12 March 1987 in which the Commission called upon the Government of Sri Lanka to "pursue a negotiated political solution [to the conflict], based on principles of respect for human rights and fundamental freedoms". The Commission's call for a negotiated political solution to the conflict was repeated in the Statement of the Chairman of the Commission on Human Rights made on 27 February 1992 on behalf of the Commission:

"...

"The Commission urges the Government of Sri Lanka to continue to pursue a negotiated political solution with all parties, based on principles of respect for human rights and fundamental freedoms, leading to a durable peace in the north and east of the country." (E/1992/22-E/CN.4/1992/84, para. 416)

2. The conflict addressed in that resolution and statement is the conflict between the Tamil people, the original inhabitants of the north and east of the island of Ceylon, and the Sinhala-controlled Government of what is now called Sri Lanka. Prior to colonization by the British, there were separate Tamil and Sinhala States. The Tamil people, primarily Christian and Hindi, speak their own language and have their own traditions and customs. The Sinhala people are primarily Buddhist and their traditions and customs reflect that heritage. With the forced unitary rule, first as a result of colonization and then under the post-colonial Sinhala majority rule, the Tamil people were increasingly threatened. In the late 1970s, after nearly 30 years of attempted peaceful resolution to the many points of profound differences, the Tamil people began forming armed defence forces. At present, Tamil forces are consolidated in the Liberation Tigers of Tamil Eelam (LTTE), which continues to defend Tamil areas in a war against the Sinhala Government's armed forces, "home guards" and other armed entities.

3. The Commission's Working Group on Enforced or Involuntary Disappearances also discusses the possibility of a political resolution to the conflict and has raised the important issue of "how the LTTE is to be incorporated into the negotiating process. ... The future relationship between the north and east is the most important substantive item for the negotiations". (E/CN.4/1993/25/Add.1, para. 124)

4. But there has been no negotiated settlement. The current Government even rejected a mediation offer made in September 1993 by Nobel laureates.

5. It has now been more than 10 years since the rampage of violence against the Tamil people produced 100,000 refugees in a matter of weeks and resulted in the first resolution on Sri Lanka in a United Nations human rights body - resolution 1983/16 of 5 September 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It has been more than 40 years since the Government of Sri Lanka embarked on anti-Tamil policies that led both to the communal violence of 1983 and to the continuation of the conflict between the Tamil people and the Sri Lankan Government - now controlled almost exclusively by Sinhala power blocs. Regarding the policy of relocation of Sinhala people into traditional Tamil areas, one senior official (a Sinhala), regretted his role publicly:

> "My role was that of executor. We moved in a large group of 45,000 land-hungry peasants (Sinhala) into the Batticaloa and Polonnaruwa districts. ... We were seeking to have in Batticaloa zone a mass of persons opposed to a separate State." (Statement of H. Gunaratne, The Sri Lanka Sunday Times, 26 August 1990)

6. The pervasively Sinhala nature of the Government has even clouded the judgement of the Commission's Working Group, which in its 1993 report cited above characterized Sri Lanka as "[p]rofessedly a peace-loving nation, guided in large part by the pacifist teaching of Buddhism. ..." (annex I, p. 36). Sri Lanka is not Buddhist - the Sinhala people are. The Tamil people are Hindu and Christian. The Moors on Ceylon are Muslim. The clear misstatement of the nature of the people of Sri Lanka by the Working Group illustrates the failure of so many to recognize the vestiges of colonialism still rampant on the island of Ceylon. The Working Group saw and understood Sri Lanka as

Sinhala, defining Sri Lanka and "traditional Sri Lanka society" as Sinhala - perhaps not even aware of the pervasive power of this majority over others on the island or with any comprehension of this dominance as a cause of the profound conflict between the Tamil people and the Sinhala regime.

7. In recent months, the Sri Lankan Air Force has intensified aerial bombardment of the Tamil homeland, attacking temples, churches, hospitals and public offices, in direct violation of the Geneva Conventions and customary humanitarian law. Due to the large number of recent attacks on Tamil civilians, on 17 November, Bishop D.J. Ambalavalnar, Bishop Thomas Saundranayagam and Nallai Thiru Sampandar Atheenam issued the following joint statement:

> "These events are not just sporadic occurrences but have been repeated so often in the past that we cannot but conclude it is part of a State policy against the Tamils. A close statistical study of the air raids carried out by the Sri Lankan Air Force in the north will show that the victims of the raids have almost always been innocent helpless civilians. When this is the case how could anyone avoid concluding that this is organized State terrorism?"

8. Since that time, bombings have continued. On 28 December, Alampil village was bombed. On 30 December, the centre of Chavakachcheri town - its market, Dreiberg College and CSI Church - was attacked. This attack, similar in gravity to that recently carried out against Sarajevo, resulted in the death of the vicar's wife, numerous other civilians and severe damage of the market, the church and vicarage and the college. As of 7 January, Thavady village, Kumilamunai village, the school at Atchuvely Maha Vidyalyam, Thondamanru, Navandil, Udupiddy, Valvettiturai, Puttur and Avarangai villages were also subjected to aerial bombing.

9. International Educational Development regrets the continuing attacks on Tamil civilians, their schools, hospitals and markets and their cultural heritage. In the interest of peace on the island of Ceylon, the Commission must demand an immediate cessation of all bombing in the Tamil homelands and a lifting of the economic blockade imposed by the Sri Lankan Government on the north of the island. The blockade is causing untold hardship for Tamil civilians. The Commission must urge the Government of Sri Lanka and the LTTE to take immediate steps to bring about a cease-fire. Finally, the Commission must insist that the Sri Lankan Government and the Liberation Tigers of Tamil Eelam to agree to international mediation. Such mediation should respect the integrity of the Tamil homeland (Tamil Eelam) in the north and east of the island and should recognize the right of the Tamil people to freely determine their political status.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: INTERNATIONAL YEAR OF THE FAMILY

Written statement submitted by: the International Council of Women, the International Movement ATD Fourth World, the International Social Security Association, the Soroptimist International Association, Zonta International, non-governmental organizations in consultative status (category I); Caritas Internationalis, the International Abolitionist Federation, the International Catholic Child Bureau, the International Council of Jewish Women, the International Federation of Women in Legal Careers, the International Federation Terre des Hommes, the International Fellowship of Reconciliation, Pax Christi International, Pax Romana, the World Federalist Movement, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); the Centre Europe-Tiers Monde, the International Association of Charities, the International Federation of Rural Adult Catholic Movements, the Movement against Racism and for Friendship among Peoples, the World Christian Life Community, non-governmental organizations on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 February 1993]

Joint statement
in connection with the International Year of the Family (IYF)
by the non-governmental organizations meeting on
1 February 1994 at the Palais des Nations, Geneva
under the auspices of the Fourth World NGO Committee

For the attention of: the Secretary-General of the United Nations, the Directors-General of the United Nations Offices at Geneva and Vienna, the United Nations IYF secretariat, Government representatives to the United Nations, the Commission on Human Rights, the international and national bodies concerned, the non-governmental organizations concerned, and all private individuals

Families denied the right to live together as a result of extreme poverty, armed conflict, natural disasters or other causes, parents arbitrarily separated from their children, and children taken from their parents and forced to grow up away from their families or without a home constitute a continuing challenge to the international community.

The International Year of the Family now beginning ought to be a year in which the international community gives ear to families throughout the world, including dismembered families torn apart by hunger, violence, displacement, intolerance and ignorance. Such families, their lives, thinking and experience must serve as a guide to reflection on the role of the family in society, in the development process, and in the fight against extreme poverty and social exclusion.

The United Nations has at all times recognized the importance of the family: the Universal Declaration of Human Rights and the International Covenants on human rights recognize that every human being has the right to found a family and the right to a standard of living adequate for the health and well-being of himself and of his family. The Convention on the Rights of the Child, for its part, recognizes that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, should be afforded the necessary protection and assistance to enable it fully to assume its responsibilities within the community, and that parents should be assisted in the performance of their responsibilities.

The impact of extreme poverty on families and on their cohesion, well-being, health and respect for their rights and those of their members has now been recognized. Urgent action is therefore needed to combat extreme poverty at the local, national, regional and international levels.

The goal of the non-governmental organizations in consultative status with the Economic and Social Council is to promote the ideals enshrined in the Charter and other basic instruments of the United Nations.

For that reason, the signatories, non-governmental organizations, aware:

- that the family is the principal and sometimes only, environment in which the poorest can enjoy their dignity as human beings;

- that the individuals, families and peoples most affected by poverty should be represented in all deliberative and decision-making bodies and to that end have need of individuals and organizations pledged to their interests in the long term;

- that the poorest families are likely to remain outside the ambit of programmes and policies for family welfare in the absence of comprehensive family and social policies that extend to all families and all aspects of family life, and in the absence of comprehensive policies to combat extreme poverty;

- that there is a need to gain a better understanding of the poorest families by working together with them;

Undertake:

- to promote representation of the poorest and their families in all deliberative and decision-making bodies;

- to foster, at the national and international levels, the establishment of exchanges and meetings generating information to broaden the understanding of the poorest families, thus involving them in the work being done on their behalf, and to assess with them from time to time the effect on them of the projects designed for them;

- to ensure that comprehensive policies to improve the lot of families are introduced in partnership with the poorest families and based on their experiences, their thinking and their aspirations, a knowledge of which is indispensable for the welfare of all families, regardless of their social level;

- to persuade international and national authorities to encourage families to keep together wherever possible; families should no longer be permitted to break up owing to hunger, poverty, violence or ignorance;

- to encourage individuals and organizations to work together on a long-term basis with families living in extreme poverty, act as a link between such families and the rest of the community, and enable them to become actively involved in development.

1. The family is the principal environment in which the poorest can experience their dignity as human beings

By their actions, which reveal their dignity, their rejection of poverty, their brotherhood, their solidarity and sense of justice, the poorest families are already engaged in the practice and defence of human rights in all their

indivisibility. Living in a family, becoming involved with other people on a long-term basis, refusing to give up hope, and defending or protecting those in misfortune are all ways of affirming membership of humankind and rejecting poverty. In the same way, no one can speak of human rights for all and accept that some are precluded by poverty from the full and free enjoyment of their rights, including the fundamental right to family life.

2. Ensuring representation of the poorest

The conditions endured by families living in extreme poverty are surely those that may menace any family, which thus hopes for protection from them. Such families must therefore be represented in all national, international or regional forums in order to make known their experiences and their thinking, not only in their own interests but also to warn all other individuals and families of the dangers that may threaten them. It has been shown by experience that although the poorest are in desperate need of a helping hand to break out of the poverty that enslaves them, the precondition, if such help is not to crush them, is that they must be allowed to take the lead in their liberation. To give consideration to the poorest families, their aspirations, their thinking and their power for action, to give the floor to those who heretofore have always had to keep out of sight and stay silent to preserve their integrity, is to establish mutual trust and to believe that families can be taught to speak out, to engage in dialogue and to work with others. To achieve that, men and women need teaching, to be given individual and collective attention in the long term and for others to be on their side.

3. Need for a comprehensive policy

Because in the poorest families all areas of life are affected, because through their children they have made their mark in the past and will do so in the future, there is a need for comprehensive long-term policies centred on the family. A comprehensive family policy would cover all aspects of family life, encourage the further development of the family and all its members, and apply to all families, whatever their social, economic or cultural level. A comprehensive policy would also imply the involvement of all individuals, including the poorest, in order to build the future of their country with them and on the basis of what may be learned from them.

4. Better understanding of the poorest families through partnership with them

No policy intended to promote the welfare of the poorest families can succeed without a proper understanding of such families gained through partnership with them. Such understanding must include not only facts and figures but also their expectations, aspirations and their potential as a force for development. Such understanding cannot be gained purely by scientific means; it demands active personal involvement with such families and must allow families themselves to take part in the process without loss of self-respect. Moreover, the poorest cannot experience any transmission of ethics or real social change if constant efforts are made to eradicate all memory of their past. Such understanding can only be achieved by determined national and international efforts.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Written statement submitted by the International Council of Women, the International Movement ATD Fourth World, the International Social Security Association, the Soroptimist International Association, the World Association of Girl Guides and Girl Scouts and Zonta International, non-governmental organizations in consultative status (category I); the International Abolitionist Federation, the International Catholic Child Bureau, the International Confederation of Catholic Charities, the International Council of Jewish Women, the International Federation Terre des Hommes, the International Fellowship of Reconciliation, the International Federation of Women in Legal Careers, Pax Christi, Pax Romana, the World Federalist Movement, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); the Centre Europe-Tiers Monde, the International Association of Charities, the International Federation of Rural Adult Catholic Movements, the Movement against Racism and for Friendship among Peoples, the World Christian Life Community, non-governmental organizations on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 February 1993]

Human rights and extreme poverty

1. The Fourth World NGO Committee to the United Nations, at its creation in 1978, took as its aim to give a voice to the poorest. Subsequently, its members have continued to uphold, by means of their joint statements*, the need for the poorest to participate in the United Nations.

2. The signatories, non-governmental organizations in consultative status with ECOSOC, recall that, in 1992, the Fourth World NGO Committee established a working group to contribute to the study on extreme poverty and human rights by means of consultations with the poorest carried out through members and partners of those non-governmental organizations in the field.

3. These non-governmental organizations welcome:

(a) the fact that at the celebration by the United Nations of the first International Day for the Eradication of Poverty on 17 October in New York and Geneva, great emphasis was placed on the poorest. They hope that future observances of the Day, which since 1987 has been observed by the poorest and those working with them as World Day for Overcoming Extreme Poverty, will continue to keep the spotlight on the poorest, and recall that extreme poverty is a denial of human rights;

(b) the fact that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights affirmed that extreme poverty was a violation of human dignity, that urgent steps were necessary to end it and that it was essential for States to foster participation by the poorest people in the decision-making process of the community in which they lived, the promotion of human rights and efforts to combat extreme poverty;

(c) the submission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by Mr. Leandro Despouy, Special Rapporteur, of his preliminary report on human rights and extreme poverty (E/CN.4/Sub.2/1993/16) and his wish to collaborate with the non-governmental organizations in carrying out his mandate, and document E/CN.4/Sub.2/1992/50 on conditions of participation of the poorest, based on the experience of Father Joseph Wresinski.

4. These non-governmental organizations:

(a) wish to draw the attention of the Commission and the Sub-Commission to the fact that the working group for the study on extreme poverty and human rights has prepared a document based on statements from very poor persons and families and those working with them. This document has been submitted to the Special Rapporteur for the study on human rights and extreme poverty as a contribution to his interim report;

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* Their 1993 statement was issued as document E/CN.4/1994/NGO/30.

(b) express the hope that, during the International Year of the Family, consideration will be given, in the context of the study on human rights and extreme poverty, to the role of the family in the promotion of human rights and the campaign against extreme poverty.

5. The document prepared by the working group for the study on extreme poverty and human rights of the Fourth World NGO Committee makes a number of points:

(a) extreme poverty is a universal phenomenon;

(b) extreme poverty is a grave violation of human dignity;

(c) the denial of one right frequently makes it impossible to exercise other rights; that is a daily experience of the poorest and makes plain the interdependence and indivisibility of human rights;

(d) the existence of efforts and aspirations, frequently unrecognized, on the part of the poorest. They are, nevertheless, the first to confront poverty and to attempt to overcome it. Knowledge of such efforts is needed in order to see the ways shown to us by the poorest in the fight against extreme poverty and to allow them to participate in building a world where there is greater justice and human rights may be enjoyed by all.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by World Confederation of Labour, World Federation of Trade Unions, non-governmental organizations in consultative status (category I); International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, Pax Romana, Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II); Centre Europe - Tiers Monde, International Falcon Movement, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 February 1994]

Situation of women in the Islamic Republic of Iran

1. For more than a decade, international public opinion has been concerned by the despicable condition of women in Iran, in particular the institutionalized discrimination based on sex. Great numbers of distressing reports, confirmed by international bodies and reflected in reports by Mr. Reynaldo Galindo Pohl, the Special Representative of the Commission on Human Rights, further justify this concern.

2. In recent months the world media carried steady reports on arbitrary, extensive arrests and degrading public flogging of women in Iran. Quoting Mrs. Shoja'i, the Interior Minister's adviser on women's affairs, the State-controlled newspaper Ettela'at reported on 26 May 1993: "While professional jobs for women have grown by 40 per cent, women's employment saw a 2 per cent annual reduction. This trend will end up in eliminating women from public life."

3. The Iranian Parliament overwhelmingly rejected creation of a parliamentary women's commission on 28 September 1993. Justifying this policy, a deputy asserted that such a commission "serves neither the interests of women nor the society" (AFP, 28 September 1993). The State-controlled Jahan-e Islam newspaper quoted the head of the ward for poisoned patients at a hospital in Mashad, the capital of Khorassan province, as saying, "During the past year, at least 3,600 people committed suicide across Khorassan province ... 2,530 of them were women". Doubtless, this alarming ratio is directly related to the tragic living conditions of women in Iran.

4. This was the situation in Iran when, on 25 June 1993, the Governments of 171 countries, including the Islamic Republic of Iran, signed a universal declaration at the end of the World Conference on Human Rights in Vienna, "emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion".

5. Considering the mistreatment of women by the Islamic Republic of Iran, particularly after signing this universal declaration, and considering that their brutal crack-down is conducted on the basis of a discriminatory approach towards women, serious doubts shadow the earnestness of the Islamic Republic of Iran at the time of signing this universal declaration.

6. In fact, the dimensions of the mistreatment of women, based on institutionalized repression, demonstrate that the gender-based discrimination against Iranian women stems from the world view of a regime that is the nerve-centre of religious fundamentalism. In other words, one of the most significant characteristics of the Iranian regime, which is recognized as a systematic violator of human rights, is its official recognition of discrimination on the basis of sex in all areas, a policy and behaviour which is deeply in contrast with the Convention for the Elimination of All Forms of Discrimination against Women. Article 1 of this Convention specifies:

> "the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

7. Iranian women have always, especially in the past decade, demonstrated, through their resistance, their quest for freedom, equality and democracy.

Currently, however, under the rule of a theocratic regime, they are going through the darkest and most painful era of their social life. The Iranian regime seeks to justify its practices under the banner of "Islam".

8. But the different situation in many Muslim countries on the one hand, and the countless Muslim Iranian women who have been arrested, imprisoned, tortured and executed for their resistance against systematic repression on the other, show that this policy is in no way related to the culture and religion of the majority of the Iranian people. International public opinion cannot be convinced that Islam, the religion of more than 1 billion people, could recommend discrimination on the basis of sex. The status Iranian women have acquired in the resistance movement under the leadership of Mrs. Maryam Rajavi, the most prominent Muslim woman in the opposition, reflects the Iranian society's quest for equal rights of women and men at the highest level.

9. The alarming issue is that not only has the Iranian regime formalized in its laws such extensive discrimination in the field of political and civil rights, but it also publicizes it in the government-controlled press. A "university faculty member" was quoted by State-run dailies as saying: "Superiority of men over women has not been recognized just by civil law legislators. Psychologists realize it as well."

10. To express solidarity with Iranian women and hoping to end the unacceptable discrimination against them based on sex, the signatories of this statement urge the world community, in particular the Commission on Human Rights:

1. To adopt more effective measures to force the Iranian regime to end the brutal persecution of women in that country.

2. To issue a strongly worded resolution to condemn the policy of discrimination on the basis of sex, practised by the Iranian regime.

3. As recommended in the interim report of Mr. Reynaldo Galindo Pohl, the Special Representative, to urge the Iranian regime fully and immediately to revise its laws in order to recognize and enforce the full equality of the rights of women and men.

4. To urge the rapporteur who will be chosen to examine the situation of women in the world, to include in his/her agenda as a serious and top priority the examination of the situation of women in the Islamic Republic of Iran.

5. To call on the Islamic Republic of Iran to sign the Convention on the Elimination of All Forms of Discrimination against Women and to endeavour to apply its provisions, thus taking an effective step towards the acceptance of equal rights between women and men.

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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the World Muslim Congress, a non-governmental organization in consultative status (category I), and by Pax Christi International, the International Council of Jewish Women, the International Association for the Defence of Religious Liberty, the World Movement of Mothers, the International Organization for the Development of Freedom of Education and the International Fellowship of Reconciliation, non-governmental organizations in consultative status (category II)

The Secretary-General has received the following statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 February 1994]

Religious intolerance

1. In the conclusions contained in his report (E/CN.4/1994/79), Mr. Abdelfattah Amor, Special Rapporteur on the question of religious intolerance, expresses his concern that religious intolerance may facilitate the emergence of situations that threaten or in some way undermine international peace and security and jeopardize the right of man and of peoples to peace. The Special Rapporteur rightly observes that all forms of intolerance and of discrimination based on religion or belief spring from the human mind and that it is there, rather than anywhere else, that action should focus as a matter of priority. The special rapporteurs and working groups responsible for thematic issues are therefore in our view concerned. The

Special Rapporteur also rightly considers that education could be the essential means of combating discrimination and intolerance. We cannot overemphasize the responsibility of the public authorities for action in their legitimate sphere of competence.

2. The world's major religions and spiritual movements for their part carry the enormous responsibility of opposing violence, war, poverty and social exclusion and fostering respect for the dignity of each individual, who is unique among his peers. The three monotheistic religions have throughout history served as a pretext for too many violent conflicts and wars. Their representatives must now intensify efforts to identify within the very core of religious ideology the accretions and interpretations attributable to past circumstances, conflicts and wars. Their testimony would thus become a force and firm foundation for greater justice, truth and peace. It has to be recognized that the teaching of religion to children of all faiths still frequently contains elements that are responsible for inhibiting their emotional and intellectual development and are potential sources of incomprehension, social injustice, conflict, violence and war.

3. In August 1993, several non-governmental organizations submitted a statement (E/CN.4/Sub.2/1993/NGO/17) to the Sub-Commission informing it of their decision to set up an open-ended and informal study group made up of specialists in contemporary sciences, well-known persons representing the major religions and human rights experts. In his statement on item 20 during the current session, the representative of Pax Christi International reiterated their request to the Commission:

(a) To invite the rapporteurs concerned to draw due attention, in respect of each country or each theme considered by them, to the connections between the violations noted and local customs, including those with a religious connotation, if the latter run counter to international human rights standards. The working group referred to above could put forward, through the relevant NGOs, practical and useful suggestions to the rapporteurs responsible for ensuring that States implement the conventions they have ratified and the declarations to which they have subscribed.

(b) To request the Secretary-General to submit a report summarizing the observations made by the rapporteurs concerned regarding religious and/or cultural impediments of the implementation to the Universal Declaration of Human Rights and of the standards deriving from it or supplementing it.

4. We are firmly convinced that cooperation with NGOs, in particular those that feel especially concerned by the elimination of any form of intolerance and discrimination based on religion or belief, constitutes an indispensable contribution to the implementation of the ideals of justice and peace which are the raison d'être of the United Nations.

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Written statement submitted by World Confederation of Labour, a non-governmental organization in consultative status (category I); American Association of Jurists, Disabled People's International, International Association for the Defence of Religious Liberty, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees and Pax Christi International, non-governmental organizations in consultative status (category II); International Educational Development Inc., International Falcon Movement, International Movement against All Forms of Discrimination and Racism and Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 February 1994]

Justice for Professor Kazem Radjavi

1. On 24 April 1990, Professor Kazem Radjavi, representative of the Iranian Resistance to the Commission on Human Rights, was assassinated by a terrorist commando group at Coppet, near Geneva. The judicial investigation conducted by the competent Swiss services enabled Mr. Roland Châtelain, examining magistrate in charge of the case, to confirm in a communiqué of 22 June 1990

that "the 13 persons implicated" in that assassination "were all issued with official Iranian passports stamped 'chargé de mission'". The communiqué stated that "the police officers in charge of the investigation have collected evidence of various kinds to support the conclusion that one or more Iranian official services are directly involved in the assassination of Mr. Kazem Radjavi".

2. Judge Châtelain transmitted through Berne a letter of request followed by several reminders to the Iranian authorities, but has still "not received anything"; the Iranian authorities "do not even acknowledge receipt of the letter". This is an unacceptable attitude which only serves to confirm the results of the judicial investigation.

3. On 20 November 1992, as a result of legal cooperation, two of the individuals wanted by Swiss justice for their involvement in this terrorist crime, against whom an international arrest warrant had been issued, were apprehended in Paris.

4. On 21 November 1992, Mr. Massoud Radjavi, leader of the Iranian Resistance and brother of the victim, issued a communiqué calling for the two suspects to be extradited to Switzerland. On 24 November 1992 Switzerland officially requested the French authorities to proceed with this extradition.

5. On 10 February 1993, the judicial procedure thus set in motion led to the French courts authorizing this extradition by virtue of the principle of reciprocity and in accordance with the international conventions for combating terrorism and extraditing criminals which have been signed between France and Switzerland.

6. However, on 30 December 1993, to general surprise and indignation, international public opinion was officially informed that the two men implicated in this crime whom the Swiss authorities were preparing to receive had been sent back to Tehran. The terrorist acts committed against French diplomatic premises in Tehran which preceded this gesture leave no doubt that it was the result of blackmail on the part of the Iranian authorities.

7. By taking in these two individuals accused of terrorism and murder in order to protect them and shield them from justice, the Iranian regime is adopting an attitude which can be interpreted as an acknowledgement of official responsibility for the crime. The non-governmental organizations submitting this written statement call upon the Commission on Human Rights to demand that the Iranian Government should turn over these two individuals, as well as the other members of the commando group, to Swiss justice. By so doing, the Iranian regime would demonstrate its refusal to be implicated in this crime.

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 February 1994]

Crimes against humanity and impunity

1. For many years now, the International Federation Terre des Hommes (FITDH) has been committed to supporting development efforts, particularly in favour of children, in many countries of Europe, Africa, Latin America and Asia. In the course of these activities, FITDH has noted that development is jeopardized not only by non-observance of economic, social and cultural rights but also by failure to punish violations of human rights and fundamental freedoms. Impunity engenders contempt for the law and weakens the foundations of the constitutional State. It results in institutions losing credibility and breeds a climate of violence which hampers all attempts at democratic construction. Yet sustainable development requires political stability and genuine democracy.

2. FITDH has been extremely heartened by the advance of democracy in many countries of Latin America and Africa. The progress towards peace agreements in countries where there is an internal conflict leads FITDH to hope that it can finally play a permanent role in those countries, rather than providing humanitarian assistance merely to enable people to survive. Nevertheless, it is extremely disturbing to note that, in certain cases, there has been a reversion to authoritarian practices, for example the practice of large-scale electoral fraud or the de facto replacement of the ordinary laws by military legislation. In addition, violence, fuelled by impunity, still exists in a number of these countries.

3. The power equation within many States justifies fears that, without a resolute and determined attitude on the part of the international community, impunity will persist, with the likelihood of compromising the hopes for peace and development of the countries where it prevails. The following few examples of countries in Latin America and Africa demonstrate that this phenomenon jeopardizes the stability of a constitutional State which is necessary for development, particularly in Colombia, El Salvador, Guatemala and Mauritania. Although there are considerable differences of context, these countries have representative similarities: crimes against humanity committed in the past, in the form of violations of human rights and fundamental freedoms (enforced disappearances, massacres, etc.), have been covered up by amnesty laws, leaving the victims without possible remedy or compensation. There is no doubt that, in such cases, impunity is a dangerous invitation to repeat such crimes.

4. In Colombia, despite the recent entry into force of a new Constitution, limitations have once again been placed on freedoms (habeas corpus, freedom of the press, war levy). In 1993, the country was under a state of emergency for 270 days, and a number of constitutional guarantees were suppressed. In addition, the case of the massacre of 20 Paez Indians in the department of Cauca in December 1991 has not yet been solved, even though the culprits have been named. This is only one example of the numerous situations of impunity that persist in the country. Mention could also be made of the measures applied to drug-traffickers agreeing to give themselves up to the law, who receive only very light penalties, or non-recognition of the gravity of enforced disappearances, which continue to occur systematically at the rate of one every two days, according to various Colombian human rights organizations.

5. In El Salvador, the death squads still exist, as do impunity mechanisms, while members of the army or the police guilty of abuses have benefited from unjustifiable pardons. In addition, ONUSAL reports that in 1993 there were 1,225 murders, or four a day. The Salvadorian Human Rights Commission has been informed of 30 arbitrary executions, and during the same period more than 50 persons were victims of human rights violations for which responsibility can be ascribed to the State. A number of them showed signs of torture. There are still between three and five enforced disappearances each month, with no expectation of a solution. Lastly, mention may be made of the assassination in El Salvador and Colombia of leaders of various political

groups who had rejoined democratic life following the peace agreements. Allowing these murders to go unpunished would endanger the credibility of these agreements and the proper functioning of the State.

6. In Guatemala, the civil self-defence patrols are continuing to subject Indian communities to repression. Democracy is making only very halting progress, and there does not seem to be any real will to purge the army of military personnel responsible for various abuses. Between January and November 1993, according to CEPRODH (Centre for Research on Human Rights), 262 extrajudicial executions, 40 detentions and enforced disappearances, 33 cases of torture and 162 death threats were recorded.

7. In Mauritania, according to the daily newspaper Le Monde, the Assembly decided on 3 June 1993 to grant a full amnesty to the officers who had tortured and killed hundreds of their men in 1990 and 1991. After long denying these crimes, the authorities were forced into acknowledging them by the publication, in March 1993, of a report by a non-governmental commission of inquiry listing 491 victims and 274 killers.

8. Impunity in the economic sphere acts as a major brake on development. It is manifested in corruption, for example among the State bodies responsible for ensuring respect for human rights, supplemented by immunity for leading political figures responsible for violent situations. The misappropriation of public property, particularly in low-income countries, mainly penalizes the most disadvantaged strata of society. Demanding that such property should be returned is the only measure that would be effective in terminating such practices, but it is rarely implemented. There is also a need for improved cooperation between the States concerned in this matter.

9. The militarization of society, the weakness of judicial machinery and corruption persist in many geographical areas. These factors perpetuate attitudes which, in the past, have been the cause of violations of human rights and fundamental freedoms. The inability of States to apply newly revised Constitutions or to make the necessary amendments to Constitutions in force endangers their democracy. Therefore, unless prompt and effective action is taken, impunity will continue to give rise to all kinds of human rights violations and to act as a major brake on development.

10. During the sitting of the Permanent Peoples' Tribunal at San José, Costa Rica, in 1990, it was clearly stipulated that, if offenders remain unpunished, responsibility for their acts must be assumed collectively by all members of the institution or group to which they belong. Similarly, FITDH wishes to recommend that the Commission on Human Rights should:

(a) Invite the Government of Guatemala to implement the various resolutions adopted by the Commission on Human Rights, particularly resolution 1993/88 of 10 March 1993;

(b) Invite the Government of Mauritania to take immediate steps to compensate the victims of repression;

(c) Invite the Special Rapporteurs concerned to investigate the causes and effects of persistent situations of impunity in the countries they are studying, and if necessary appoint other experts for similar situations;

(d) Pronounce on the desirability of a permanent international court to try crimes entailing violations of human rights and fundamental freedoms which have remained unpunished.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 February 1994]

Situation of human rights in the Sudan

1. The institutions of Sudanese society have been completely dismantled by the dissolving or purging of the social, political and trade union organizations and by the establishment of clandestine organizations. The newspapers which have survived the suppression of the free press have become mouthpieces of the regime. The banned independent organizations for the promotion of human rights have been replaced by the Sudanese Human Rights Authority, the Islamic International Association for Human Rights and the Human Rights Committees. These organizations align their position on that of the Government.

2. Islam, as interpreted by the National Islamic Front, is used abusively as a means of achieving and ensuring political and economic power. In a society with different races, religions and cultures, this leads inevitably to the cruellest intolerance.

3. It is wrongly claimed that the recent dissolution of the Revolutionary Command Council (RCC), on 16 October 1993, marks an important stage in the process of constitutional reform that is preparing for the 1994 elections and a representative democratic system. However, the rigid structure of the Peoples Congresses - from the peoples committees, at the local level, to the National Assembly, at the national level - gives the authorities sufficient or even full control over the decision-making process. Most of the regional and sectoral representatives in the Regional Peoples Congress and in the Transnational Assembly are chosen by co-option and by consensus procedures, on the basis of their political reliability.

4. A major cause of concern are the forced transfers of persons displaced from the "squatter" camps to camps in the desert outside Khartoum. The foreign non-governmental organizations and the local Christian non-governmental organizations that are prepared to carry out aid programmes in these camps are encountering great problems and delays.

5. The forced ideological and military indoctrination of homeless children in the children's camps around Khartoum/Omdurman, as well as in the camps at El Markhyat, El Bashaeir (for girls) and Abu Dom, is in flagrant violation of the Convention on the Rights of the Child. Measures for reuniting families have not yet been announced. Independent observers should be allowed to visit these camps.

6. The human rights situation is still very alarming. Detention/ interrogation/torture centres are still operating in Khartoum. The peoples committees, the peoples police forces and the security services are playing the major role in the daily acts of repression and their control over the daily life of the people appears to be increasing.

7. The Pax Christi International delegation that visited the Nuba mountains from 17 October to 7 November 1993, received well-documented reports concerning the area; they denounce the continued forced transfers of population and the summary executions that are being carried out. The situation is highly disturbing in the so-called "peace villages" where the "returnees", i.e. the displaced persons sent back by the Government, are accommodated.

8. According to several sources, members of the Peoples Defence Forces are being encouraged, through rewards, to rape non-Muslim women in order to procreate a new Islamic generation. Other sources mention abduction and exploitation of and trafficking in children. It is very difficult to verify these reports as most of these "peace villages" are inaccessible to the outside world. The Nuba mountains have so far formed a territory that is entirely closed to inspectors and to the NGOs.

9. All the parties engaged in the conflict are violating human rights in the Nimule area; the Sudan People's Liberation Army (SPLA) is carrying out forced recruitment and its units are still plundering civilians. The bombings by the Government air forces often have as their deliberate targets civilian objectives.

10. Since early in February, with the end of the rainy season, the governmental forces have been carrying out a major military operation in the so-called "Three As" frontier region. Thirteen humanitarian organizations have been compelled to withdraw to the extreme south of the Sudan, because of the fighting, the bombing and Khartoum's prohibition of flights bringing supplies to civilians in the area. It is quite clear that the Sudanese army is seeking to create panic and, according to concordant estimates by NGOs on the ground, some 100,000 civilians have already begun an exodus towards an uncertain destination.

11. With the 1989 coup d'état, a regime that has taken religion as its hostage has plunged this great country and its population into injustice, confusion and poverty. No improvement can be seen in the already alarming situation that led to the adoption by the Commission, on 10 March 1993, of resolution 1993/60 on the human rights situation in the Sudan. The draft resolution that will probably be submitted at the fiftieth session can unfortunately do no more than repeat the terms of the preceding one. Pax Christi International calls on all the parties to the conflict to observe the Geneva Conventions on the protection of civilian persons in time of war and to ensure free transit for the movement of international aid to the endangered populations. It also calls for the protection of women and children and of ethnic and religious minorities. It requests the Commission to extend and strengthen the mandate of the Special Rapporteur, whom it congratulates for his courageous description and analysis of a situation that calls for the most determined pressure by the international community.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 February 1994]

Encirclement and forced evacuation of villages in Turkish Kurdistan (1990-1993)

1. As emphasized in Commission on Human Rights resolution 1993/70, "human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons". Centre Europe-Tiers Monde (CETIM) has received disturbing information on the forced evacuation of Kurdish villages in Turkey. We therefore felt it important to bring it to the attention of the Commission on Human Rights.

2. The Turkish Government is attempting to create buffer zones by mass evacuations of Kurdish villages resisting oppression. Initially, it was villages situated near the frontiers with Iraq, Iran and Syria which were

emptied. Since 1990, the Turkish Government has taken advantage of the strategic situation created by the crisis and war in the Gulf to step up the evacuation of Kurdish villages on the pretext of maintaining security. Currently, villages in the 13 Kurdish provinces under a state of emergency are being subjected to the same treatment.

3. It should be noted that the evacuation methods used are extremely violent and that in stepping up the operations, it has been possible to avoid any international constraint: since August 1990, the European Convention on human rights has been suspended in the 13 provinces inhabited by Kurds, while the international community has maintained a complicitous silence.

4. The operations are conducted by the Turkish army. It blocks all ways in and out of villages and exerts pressure on all the villagers in order to intimidate them and induce them to collaborate as "village guards". 1/ The men are beaten and tortured, while the women are brutalized and sexually abused in front of their children. Houses are looted, crops burned and livestock slaughtered before the village is evacuated. All this is designed to create a no man's land.

5. Some villages are surrounded by the Turkish army so as to deprive the inhabitants of their means of subsistence and thus force them to leave. When the village is surrounded, no villager can leave without authorization. Some are ordered to remain in their houses. Anyone disobeying the orders given for any reason is shot immediately. The encirclement of villages prevents villagers from working their fields and vines; they cannot milk or graze their herds. They are prohibited from buying provisions in town or sending anyone ill to a doctor. Village encirclement is a way of exerting psychological and economic pressure on villagers to leave.

6. At present, there are hundreds of thousands of forcibly evacuated Kurdish peasants on the outskirts of towns. No infrastructure has been provided to cope with them. Thousands of destitute families live below the poverty line, without any decent shelter; crowded into holes dug in the ground or under plastic awnings, without adequate food or blankets or sanitation, these Kurdish families suffer not only from numerous illnesses, but also from the bitter cold of winter.

Mr. Suleyman Demirel, the President of Turkey, told the Journal de Geneve that "Out of 10,000 villages in the area, 345 have been completely abandoned by their inhabitants, and 262 partially" Journal de Geneve, 29-30 January 1994, report by Mr. Antoine Bosshard.

1/ In Kurdistan, the army forces villagers to participate in its repressive policy in two ways: firstly, it forces them on pain of death to take up arms against the Kurdish guerrillas, in many cases composed of their own children; secondly, it obliges some villagers to act as "village guards", who are both accomplices and actual scapegoats of the authorities, since they can survive only by becoming plunderers of their own communities ... unless they join the resistance.

8. According to the Turkish Human Rights Association, between 1990 and 1993, 874 villages and hamlets were completely or partially burned and evacuated. The number of villages evacuated, by region, is given below (the list of names of evacuated villages is available from the secretariat):

SIIRT:	12	BITLIS:	10
Eruh sub-prefecture:	35	Norduz region:	4
Pervari sub-prefecture:	26	Mukus region:	8
Bevtüssebab sub-prefecture:	45	Hizan sub-prefecture:	6
Gercüs sub-prefecture:	10		
Catak sub-prefecture:	35	HAKKARI:	61
Kurtalan sub-prefecture:	10		
		SIRNAK:	99
		Uludere sub-prefecture:	2
		Silopi sub-prefecture:	13
MARDIN:	4	DIYARBAKIR	
Ömerli sub-prefecture:	13	Dicle sub-prefecture:	16
Mazidağı sub-prefecture:	20	Hani sub-prefecture:	9
Derik sub-prefecture:	19	Kulp sub-prefecture:	54
Dargecit sub-prefecture:	2	Ergani sub-prefecture:	3
Midyat sub-prefecture:	4	Lice sub-prefecture:	36
Cizre sub-prefecture:	2	Hazro sub-prefecture:	13
Kasuri region:	3	Kocaköv sub-prefecture:	2
		Silvan sub-prefecture:	1
		Bismil sub-prefecture:	1
BATMAN:	1	MUS:	
Sason sub-prefecture:	17	Kizilağac sub-prefecture:	7
Kozluk sub-prefecture:	1	BINGÖL:	9
		ERZURUM:	2

9. CETIM requests the Commission on Human Rights to appoint a special rapporteur to investigate the forced evacuation of Kurdish villages in Turkey.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 February 1994]

Relationship between civil defence forces and human rights violations - the situation in Guatemala

1. In resolution 1992/57 of 3 March 1992, the Commission on Human Rights requested the Secretary-General to ask Governments, intergovernmental and non-governmental organizations for information on civil defence forces and human rights. The Commission recognized that civil defence forces may violate the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Human Rights Advocates (HRA) responded to this request with a full written statement which specifically addressed the civil defence force situation in Guatemala. The substance of that report was incorporated into the Secretary-General's report to the Commission (E/CN.4/1993/34).

2. Pursuant to the Secretary-General's report, the Commission adopted resolution 1993/54 of 9 March 1993, in which it requested the Secretary-General to submit additional information on civil defence forces and their relation to human rights abuses. HRA hereby submits the following additional information on the civil patrols of Guatemala. (For a more complete discussion of the matters summarized here, please see HRA's full written statement submitted to the Assistant Secretary-General for Human Rights in response to Commission on Human Rights resolution 1993/54.

<u>President de León has failed to honour his previous commitment to disband the civil patrols</u>

3. The Guatemalan civil defence forces, known as civil patrols, are groups of peasants and villagers, comprised primarily of indigenous Guatemalans, organized and controlled by the army with the purported goal of combating anti-government guerillas.* (For detailed information regarding the history of the civil patrols from 1980-1992, see HRA's 1993 report.)

4. While the international human rights community eagerly greeted the ascendance of Ramiro de León Carpio to the Guatemalan presidency, their optimism has proved to be unjustified. Not only has the former human rights ombudsman completely abandoned his previous commitment to disband the civil patrols but, lacking solid domestic political support, he has begun to utilize the patrols as a power base. Instead of honouring his initial pledge, he has become the first civilian president to identify himself publicly with the civil patrols.

5. Although Mr. de León denounced the patrol system while he was in the Guatemalan Constituent Assembly, and again in his capacity as human rights ombudsman, as President he has become its staunch supporter. He has stated that he feels the civil patrols serve an important function, even though he openly acknowledges the patrols to be guilty of grave human rights abuses.

6. Mr. de León has utterly disregarded Commission resolution 1993/88, in which the Commission expressed its concern that the civil patrols were responsible for human rights abuses and requested the Government of Guatemala to move towards the abolition of the patrol system.

7. Since Mr. de León took office on 5 June 1993, there has been a marked increase in human rights violations. Both domestic and foreign-based human rights groups are unanimous in reporting that the numbers of kidnappings, assassinations and tortures have increased under the presidency of Mr. de León.

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* No references will be given here, as a complete list of sources for the information contained in this summary is contained in HRA's full written statement to the Commission and is available from HRA.

8. Specifically, civil patrol violence has risen precipitously. On 4 August 1993, three people were killed and many others wounded when patrol members opened fire on peaceful demonstrators in Huehuetenago province. Patrol members opened fire without warning. Although the attack was videotaped and the assailants are known, there has yet to be a judicial inquiry into the matter.

9. In some provinces, the civil patrol leaders have become, in essence, local warlords. In the town of San Pedro Jocopilas, on 29 June 1993 the local leader ordered his men to execute 10 members of a rival family. The patrollers tied the family up and then machine-gunned them with assault rifles given to them by the army. Several were tortured first. Among the dead was a pregnant 16-year-old girl.

Guatemalan civil patrols are unnecessary and routinely jeopardize the enjoyment of basic rights and fundamental freedoms guaranteed by United Nations human rights instruments

10. The civil patrol system, which continues undiminished under the de León presidency, violates the fundamental human rights of both the patrollers themselves and their victims. The independent expert and numerous human rights organizations continue to receive many credible reports that civil patrollers are the victims as well as the perpetrators of extrajudicial executions, torture, and illegal detentions and disappearances.

11. While Governments are permitted to require certain forms of labour of their citizens, the civil patrol system demands the type of compulsory labour that is impermissible under the International Covenants on Human Rights. Many rural inhabitants are compelled to join the patrols by means of army harassment, and those refusing to patrol are subject to death threats and physical violence.

12. The patrols have destroyed the social fabric of indigenous populations, forcing villagers to spy on each other and creating distrust among formerly peaceful clansmen.

13. Additionally, many peasants depend on income from seasonal agricultural labour to support their families. Patrol members are often prevented from leaving their home villages, and therefore suffer severe economic deprivation.

14. The civil patrols of Guatemala inherently discriminate against the indigenous population, as they are the citizens most frequently forced into the civil patrols, as well as being the targets of patrol violence.

15. The legal system of Guatemala cannot supply a remedy as it lacks the political power and resolve to punish patrol violence. Instead, the judiciary often serves to shield the army and the patrollers from criminal sanctions or punishment.

16. While the International Covenants on Human Rights protect the right to freedom of movement, many peasants in Guatemala are forced from their homes and villages, either by direct military order or by fear of patrol violence. Also, peasants are often compelled to remain in their villages to participate in the patrols, despite their desire to perform migratory labour.

17. Children are routinely exploited and abused by being forced to serve in the civil patrols of Guatemala. Fathers who are unable to patrol have been compelled to send their sons in their stead, even if the sons are minors. Children as young as eight have been required to patrol. There have been many fatal accidents resulting from the children's inexperience with weapons, and children have been deprived of an education due to their patrol obligations.

Conclusion

18. As the foregoing information demonstrates, the Guatemalan civil patrols systematically violate not only domestic law, but also many of the basic human rights guaranteed to all people by such United Nations instruments as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The patrol system has been repeatedly condemned by domestic human rights organizations, as well as by such international non-governmental organizations as Americas Watch and Amnesty International. The Commission on Human Rights and the General Assembly of the United Nations have also voiced their disapproval, and both the former independent expert reporting to the Commission, Mr. Christian Tomuschat, as well as the current expert, Ms. Monica Pinto, have called for the immediate abolition of the civil patrols. The United Nations General Assembly has requested the Government of Guatemala to eliminate forced participation in the patrols.

19. Despite the international and domestic pressure, the Government of Guatemala has refused to either abolish the civil patrols or even to modify them into a genuinely voluntary patrol system. Even under the civilian Government of the former human rights ombudsman, President de León, the patrols continue to violate the human rights of rural Guatemalans.

20. We therefore request that the Commission urge the Government of Guatemala to take steps towards the complete abolition of the civil patrols. The Commission should again recognize the direct connection between civil defence forces and human rights abuses, and condemn the continuing use of these forces by Governments, in particular the Government of Guatemala. The Commission should request that the Government of Guatemala begin a comprehensive programme to end forced participation in the civil patrols, and to provide effective remedies to individuals whose rights have been violated by the existence of the patrols. The independent expert should incorporate such steps and remedies into her recommendations. We also strongly urge that the independent expert report back to the Commission on this issue at its fifty-first session.